

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 04/16/2019

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NATIONAL CREDIT UNION  
ADMINISTRATION BOARD, et al.,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

Case No. 14-cv-10067-KPF-SN

ECF Case

**STIPULATION AND ORDER MODIFYING SCHEDULE**

WHEREAS, on January 18, 2019, Graeme W. Bush, as separate trustee and the National Credit Union Administration Board (together, “NCUA”) served their initial expert reports on Wells Fargo in accordance with the Scheduling Order and Civil Case Management Plan with respect the above-captioned matter [ECF 425] (“Current Scheduling Order”);

WHEREAS, on January 25, 2019, NCUA made certain expert disclosures in accordance with the terms of the Stipulation and Order governing expert discovery in this action [ECF 434];

WHEREAS, on March 20, 2019, NCUA served additional materials and a declaration from its damages expert Christopher J. Milner providing additional disclosures about his damages analysis;

WHEREAS, under the Current Scheduling Order Wells Fargo is required to serve all of its rebuttal expert reports on June 20, 2019;

WHEREAS, the parties have met and conferred in good faith and have agreed on a mutually acceptable modification of the deadlines in the Current Scheduling Order so that Wells

Fargo may have additional time to evaluate and address the additional expert disclosures made by NCUA on March 20 related to Mr. Milner;

IT IS NOW HEREBY STIPULATED AND AGREED AMONG THE PARTIES that, good cause exists to modify the Current Scheduling Order and, therefore, subject to the Court's approval, the Current Scheduling Order shall be amended as follows:

1. Wells Fargo's time to serve any and all rebuttal expert reports related primarily to damages shall be extended until August 1, 2019. For the avoidance of doubt, this shall include the expected rebuttal expert report of Dr. Ethan Cohen-Cole that is expected to address damages and other econometric analysis that bear on various issues.

2. Wells Fargo may serve additional or supplemental expert reports on August 1, 2019 that (1) contain opinions or expert analysis upon which Wells Fargo's damages expert(s) intend to rely or incorporate into their rebuttal analysis, or (2) rely on the opinions of, incorporate the analysis of, or otherwise depend on Wells Fargo's expert rebuttal report(s) directed primarily at damages regardless of whether those additional or supplemental expert reports relate primarily to damages.

3. Wells Fargo shall make a good faith effort to ensure that any expert report served on August 1, 2019 is limited in scope to opinions and analysis that either relate to rebutting Mr. Milner's report, or rely primarily on opinions or analysis contained in any expert rebuttal to Mr. Milner's report.

4. NCUA's time to reply to any of the rebuttal or supplemental expert reports that Wells Fargo serves on August 1, 2019 shall be extended to September 5, 2019.

5. All expert discovery, including depositions, shall be completed by October 4, 2019.

6. All other dates set forth in the Current Scheduling Order, including Wells Fargo's time to serve other expert reports and NCUA's time to reply to rebuttal expert reports served prior to August 1, 2019, shall not be affected by this Order.

DATED: April 12, 2019



George A. Zelcs  
John A. Libra  
Matthew C. Davies  
Max C. Gibbons  
KOREIN TILLERY LLC  
205 North Michigan Plaza, Suite 1950  
Chicago, Illinois 60601  
Tel: (312) 641-9750  
gzels@koreintillery.com  
jlibra@koreintillery.com  
mdavies@koreintillery.com  
mgibbons@koreintillery.com

David C. Frederick  
Scott K. Attaway  
Matthew M. Duffy  
Frederick Gaston Hall  
KELLOGG, HANSEN, TODD, FIGEL &  
FREDERICK PLLC  
1615 M Street, N.W., Suite 400  
Washington, District of Columbia 20036  
Tel: (202) 326-7951  
dfrederick@kellogghansen.com  
sattaway@kellogghansen.com  
mduffy@kellogghansen.com  
fhall@kellogghansen.com

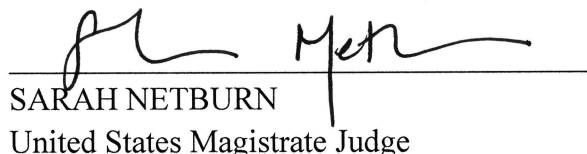
**SO ORDERED.**

Dated: April 16, 2019  
New York, New York



Jayant W. Tambe  
Howard F. Sidman  
Jason Jurgens  
Tracy V. Schaffer  
Mahesh Venkatakrishnan  
JONES DAY  
250 Vesey Street  
New York, New York, 10281-1047  
Tel: (212) 326-3939  
jtambe@jonesday.com  
hfsidman@jonesday.com  
jjurgens@jonesday.com  
tvschaffer@jonesday.com  
mvparlikad@jonesday.com

Rebekah Byers Kcehowski  
JONES DAY  
500 Grant Street, Suite 4500  
Pittsburgh, Pennsylvania 15219-2514  
Tel: (412) 319-3939  
rkcehowski@jonesday.com



SARAH NETBURN  
United States Magistrate Judge